

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

United States of America,	)	
	)	
Plaintiff,	)	<b>ORDER GRANTING MOTION FOR</b>
	)	<b>RECONSIDERATION OF DETENTION</b>
vs.	)	<b>AND SETTING CONDITIONS OF</b>
	)	<b>RELEASE</b>
Michael Montoya Miller,	)	
	)	Case No. 1:21-cr-105
Defendant.	)	

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The court previously ordered defendant detained pending trial. Defendant is currently being housed by the United States Marshal at the Washington County Jail in Akron Colorado.

On September 17, 2021, defendant filed a motion for reconsideration of the court's detention order. (Doc. No. 77). On September 22, 2021, the United States file a response in opposition to defendant's motion. (Doc. No. 79).

On September 24, 2021, the court convened a hearing on defendant's motion. For the reasons articulated on the record, the court finds there is a less restrictive alternative to incarceration available for defendant. Accordingly, the court **GRANTS** defendant's motion (Doc. No. 77). The United States Marshals Service shall transport defendant to Bismarck, North Dakota, as soon as practicable. Upon his arrival in Bismarck, defendant shall be released subject to the following conditions:

- (1) Defendant shall not violate federal, state, tribal, or local law while on release.
- (2) Defendant shall appear in court as required and surrender for any sentence imposed.
- (3) Defendant shall report to the Pretrial Services Officer at such times and in such manner as designated by the Officer.
- (4) Defendant shall refrain from the use of alcohol; any use or possession of a narcotic

drug and other controlled substances defined in 21 U.S.C. § 802 or state statute, unless prescribed by a licensed medical practitioner, and any use of inhalants. Defendant shall submit to drug/alcohol screening at the direction of the Pretrial Services Officer to verify compliance. Failure or refusal to submit to testing or tampering with the collection progress or specimen may be considered the same as a positive test.

- (5) Defendant shall not possess a firearm, destructive device, or other dangerous weapon.
- (6) Defendant shall undergo a substance abuse and/or mental health evaluation if required by the Pretrial Services Officer and comply with resulting counseling or treatment recommendations.
- (7) Defendant shall sign all releases of information requested by the Pretrial Services Officer so that his progress and participation in treatment may be monitored.
- (8) Defendant shall not knowingly or intentionally have any direct or indirect contact with any co-defendants, except that counsel for the defendant, or counsel's agent or authorized representative, may have such contact with such person(s) as is necessary in the furtherance of the defendant's legal defense. .
- (9) Defendant shall reside with his father at his home in Bismarck and not change this residence without prior approval of the Pretrial Services Officer.
- (10) Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a Pretrial Services Officer at the request of the Pretrial Services Officer. Failure to submit to a search may be grounds for revocation of pretrial

release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.

- (11) Defendant shall maintain or actively seek employment. Employment must be approved by the Pretrial Services Officer.
- (12) Defendant shall comply with any curfew the Pretrial Services Officer may set.
- (13) Defendant shall be electronically monitored at the discretion of the Pretrial Services officer by use of equipment to be determined by Pretrial Services that will accommodate defendant working and going about daily activities, subject only to the curfew provisions and other restrictions imposed by this order. This monitoring requirement is not intended to be a home confinement provision. Defendant shall pay all costs associated with the program, unless the Pretrial Services Officer determines defendant is financially unable to pay.
- (14) Defendant shall comply with all of the terms of his state probation, parole, or supervised release.

Upon his return to Bismarck, defendant shall immediately contact Pretrial Services Officer Tim Howard at (701) 530-2413.

**IT IS SO ORDERED.**

Dated this 24th day of September, 2021.

/s//Clare R. Hochhalter  
Clare R. Hochhalter, Magistrate Judge  
United States District Court